IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 6497 of 2005

Between:

A. Venkateshwar Rao S/o. Late Ramachandar Rao
R/o. Nandipeta Village, Devarkadra Mandal, Mahabubnagar District.

..... PETITIONER

AND

1 The District Collector/Chairman, District Water Management Agency, (DWMA), Mahabubnagar District.
2 Project Director, District Water Management Agency, (DWMA), Mahabubnagar,
3 Team Coordinator, Multi Disciplinary Team (MDT), Narayanpet, Mahabubnagar District.
4 President, Water Shed Committee, Jeenugurala Village, Devarkadra Mandal, Mahabubnagar District.
5 K. Sudhakar Reddy,
r/o.Jeenugurala Village, Devarkadra Mandal, Mahabubnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of Writ of Mandamus directing the respondents 1 to 4 to remove the Checkdam Constructed in Sy.No. 179 of Jeenugural village of Devarkadra Mandal, Mahabubnagar District and consequently declare the action of the respondents in not taking the action or steps in removing the checkdam constructed in Sy.No. 179 of Jeenugurala Village, Devarakadra Mandal, Mahabubnagar District as illegal, arbitrary, unjustifiable, depriving the livelihood of the Petitioner and also unconstitutional and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.B.RANGANATHA RAO

Counsel for the Respondent No.: GP FOR IRRIGATION & COMM AREA DEV.

The Court at the admission stage made the following :

ORDER:

This Writ Petition is filed to direct the respondents 1 to 4 to remove the Checkdam constructed in Survey No.179 of Jeenugural Village of Devarkadra Mandal, Mahabubnagar District and consequently to declare the action of the respondents in not taking any action pursuant to the representation of petitioner dated 31-10-2002 in removing the said Checkdam as Illegal and Arbitrary.

Heard the learned counsel for the petitioner and the learned Government Pleader for Irrigation and Common Area Development.

This matter has to be considered after recording the evidence of the aggrieved parties before an appropriate forum. Moreover, this Court in catena of decisions held that the construction of Checkdam or laying the Channel is the prerogative of the State Government and the same cannot be interfered with under the writ jurisdiction. Therefore, I do not find any grounds to entertain the Writ Petition and the same is liable to be dismissed.

The Writ Petition is, accordingly, dismissed. No order as to costs.

However, this order does not preclude the respondents to consider the representation of the petitioner dated 31-10-2002 and pass appropriate orders in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

Elipe Dharma Rao, J

25-04-2005

Stp

To

1 The District Collector/Chairman, District Water Management Agency, (DWMA), Mahabubnagar District.
2 Project Director, District Water Management Agency, (DWMA), Mahabubnagar,
3 Team Coordinator, Multi Disciplinary Team (MDT), Narayanpet, Mahabubnagar District.
4 President, Water Shed Committee, Jeenugurala Village, Devarkadra Mandal, Mahabubnagar District.
5.Two CCs to G.P. for Irrigation and Common Area Development,High Court of A.P.Hyderabad.(OUT).

6. 2 CD copies

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